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OFFICE OF PETITIONS

In re Application of Armstrong et al. :
Application No. 09/456,211 : Decision on Petition
Filing Date: December 7, 1999 :
Attorney Docket No. IBM/112 :

This is a decision on the petition filed March 6, 2006, under 37 CFR 1.181, or in the alternative, under 37 CFR 1.137(a).

The petition under 37 CFR 1.181 is **granted**.

The petition under 37 CFR 1.137(a) is **dismissed as moot**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed October 7, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 8, 2006. A Notice of Abandonment was mailed on February 22, 2006.

Petitioner contends and has established the Notice of Allowance was never received.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Since the petition has been granted under 37 CFR 1.181, petitioner's request to have the petition considered under 37 CFR 1.137(a) is dismissed as moot. The petition fee of \$500 charged for the petition under 37 CFR 1.137(a) will be credited back to petitioner's deposit account.

The Office of Publications will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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Office of Petitions